

**Minutes of the City of Frederick
Mayor and Board of Aldermen Regular Meeting**

May 6, 2021
7:00 p.m.
Virtual Meeting

- I. Mayor Michael O'Connor presided. Participating were Aldermen Kelly Russell, Derek Shackelford, Roger Wilson, and Ben MacShane and Alderwoman Donna Kuzemchak. Also participating were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. The Mayor led the Pledge of Allegiance.
- III. There was no invocation.
- IV. There were no presentations.
- V. The minutes of the April 1, 2021 Regular Public Meeting, April 1, 2021 Closed Session, and April 7, 2021 Closed Session were previously distributed. On a motion made by Alderman MacShane and seconded by Alderman Russell the Board voted 4-0-1, with Alderwoman Kuzemchak abstained, to approve the minutes of the April 1, 2021 Regular Public Meeting. On a motion made by Alderman Russell and seconded by Alderman Shackelford, the Board voted 4-0-1, with Alderwoman Kuzemchak abstained, to approve the minutes of the April 1, 2021 Closed Session. On a motion made by Alderman Shackelford and seconded by Alderman MacShane the Board the Board voted 4-0-1, with Alderwoman Kuzemchak abstained, to approve the minutes of the April 7, 2021 Closed Session.
- VI. There were no closed meetings to report.
- VII. Mayor O'Connor noted the upcoming Mother's Day holiday and wished a happy Mother's Day to any who hold that title in any fashion.
- VIII. During Aldermanic comments, Alderman Shackelford presented a statement regarding recent allegations concerning Alderman Wilson.

Alderwoman Kuzemchak concurred with Alderman Shackelford's comments.

Alderman Russell read a poem, "A Part of America Died", in honor of Peace Officers' Memorial Day on May 15. She dedicated the reading of the poem to Delmar Police Corporal Keith Heacock, who died in the line of duty the previous week.

- IX. Public comments were received.
- X. Consent Agenda

A. Release of Sureties and Acceptance of Improvements

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell, the

Board approve 5-0 consent agenda items A.1 – A.4:

1. Approval to release Liberty Mutual Insurance Company Bond in the amount of \$2,160,016.77 posted by D.R. Horton, Inc. to guarantee Grading/SEC and Storm Water Management, at Renn Quarter Mixed Use Mass Grading, further described in PWA dated 01/19/2021. (Note: This PWA/Surety has been replaced by Forestar (USA) Real Estate Group, Inc. per PWA/Surety dated 03/19/2021.)
2. Approval to release Liberty Mutual Insurance Company Bond in the amount of \$5,759,726.94 posted by D.R. Horton, Inc. to guarantee Public Improvements, at Renn Quarter Mixed Use District, Phase 1A, further described in PWA dated 01/19/2021. (Note: This PWA/Surety has been replaced by Forestar (USA) Real Estate Group, Inc. per PWA/Surety dated 04/07/2021.)
3. Approval to release Continental Insurance Company Bond in the amount of \$822,681.29 posted by D.R. Horton, Inc. to guarantee Mass Grading and Storm Water Management, at The Preserve at Tuscarora – Mass Grading, further described in PWA dated 02/10/2020. (Note: This PWA/Surety has been replaced by Forestar (USA) Real Estate Group, Inc. per PWA/Surety dated 02/18/2021.)
4. Approval to release RLI Insurance Company Bond in the amount of \$684,584.25 posted by Nicodemus Farm, LLC to guarantee Public Improvements, at Nicodemus Property, Phase 3, further described in PWA dated 10/23/2014 and to accept the following Streets:

<u>Street Name</u>	<u>Station</u>	to	<u>Station</u>
<u>Holden Road (A)</u>	33+0		40+53
<u>7th Street</u>	0+00		4+00
<u>Lindley Road (D)</u>	0+00		3+35
<u>Brengle Drive €</u>	0+00		2+00
<u>Vona Alley (Alley 2)</u>	6+39		9+38
<u>Vona Alley (Alley 12)</u>	10+00		3+35
<u>Vona Alley (Alley 13)</u>	10+00		10+77

B. Lease Amendment

1. Item B.1, Approval of First Amendment to Lease Agreement with Federal Aviation Administration to extend the term for six weeks to permit ongoing negotiations, was pulled prior to the meeting.

C. Grants

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 item C.1:

1. Approval of Community Services Block Grant Agreement with the Department of Housing and Community Development in the amount of \$268,842

XI. Public Hearing

1. On a motion made by Alderman MacShane and seconded by Alderwoman Kuzemchak the Board approved 5-0 a Payment in Lieu of Tax (PILOT) Agreement with Frederick County, Maryland and Hamilton Station, LLC for the housing project located at 33 Hamilton Avenue and authority for the Mayor to make any changes to the Agreement that are required for HUD and CDA funding. Additional information was provided by Ryan Trout, Frederick County Housing Program Manager. There were no public comments.
2. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 a request by Ron Layman to serve beer and wine at Carroll Creek Concert Series live music events on Fridays June 18, 25; July 9, 23; August 6, 20; September 3; and Saturday, June 19 at the Carroll Creek Park Amphitheatre and Site C-2 for a total of eight dates pursuant to Section 6-19 of the City Code. There were no public comments.
3. On a motion made by Alderman MacShane and seconded by Alderman Russell the Board approved 5-0 a purchase order with Video Services of America LINK Electronics Closed Captioning in the amount of \$76,061.52 for closed captioning and translation services. There were no public comments.
4. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 authorization for the Mayor to sign a letter of intent to purchase a 4,405 square feet (0.101 acre) parcel from Maryland State Highway Administration for the City's new 40 West High Zone Water Pumping Station Infrastructure (CIP #360036). There were no public comments.
5. The Board considered items related to the Frederick Keys Baseball Club Lease. Additional input on these items was provided by Dave Ziedelis and Andrew Klein, representing the Frederick Keys.
 - a. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 a Mutual Release and Termination Agreement with Frederick Keys Baseball Club, LLC. There were no public comments.
 - b. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 a Stadium Lease with Frederick Keys Baseball Club, LLC with the following revision:

Article II(b): the date for notice of intention whether to renew is revised from November 30 to October 31.

There were no public comments.

- ## XII.
- On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board

approved 5-0 the appointment of Lesley McTaggart to the Bicycle Pedestrian Advisory Committee for a four-year term of May 7, 2021 to May 6, 2025.

On a motion made by Alderman Russell and seconded by Alderman Shackelford the Board approved 5-0 the appointment of Phil Bowers to the Bicycle Pedestrian Advisory Committee for a four-year term of May 7, 2021 to May 6, 2025.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 the appointment of Tom Clingman to the Bicycle Pedestrian Advisory Committee for a four-year term of May 7, 2021 to May 6, 2025.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman MacShane the Board approved 5-0 the reappointment of Tiana Massaquoi to the Education Commission for a three-year term of June 4, 2021 to June 3, 2024.

On a motion made by Alderman Shackelford and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Ron Beattie to the alternate position on the Planning Commission for a five-year term of May 7, 2021 to May 6, 2026.

On a motion made by Alderman Shackelford and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Brian Scott to the Board of Directors for Weinberg Center for the Arts, Inc. to complete a term expiring on June 30, 2023.

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 the appointment of Maureen Connors to the Ethics Commission for a three-year term of May 7, 2021 to May 6, 2024.

- XIII. During Aldermanic comments and new business, Alderman Shackelford wished everyone a Happy Mother's Day.

Alderman Russell echoed Alderman Shackelford's comment and also wished Evie MacShane a belated happy fifth birthday.

- XIV. Mayor O'Connor noted we have been in a long, strange pandemic and we're not finished yet. He remarked that we are closer to the end as vaccine supply becomes more plentiful and strongly encouraged everyone who is eligible to get a vaccine if they haven't already. Noting he was excited to soon be seeing his daughters for the first time in many months, he stated to everyone who has endured loss, separation or anxiety that they are not alone, and we will get through this together.

- XV. There were no committee reports.

- XVI. There were no director reports.

- XVII. There were no additional public comments.

There being no further official business, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Phyllis Hane
Legislative Clerk